

AMENDMENT TO THE DIGNITY FOR ALL STUDENTS ACT



No. 13– 10

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On July 9, 2012, Chapter 102 of the Laws of 2012, was enacted amending the existing Dignity for All Students Act. The amendment expands the scope and intent of the Dignity Act to include provisions on bullying and cyber-bullying and to make the Dignity Act applicable to certain instances of conduct occurring off school property. This Fact Sheet provides information on new Regulations of the Commissioner of Education regarding amendment to the Dignity for All Students Act, effective July 1, 2013. The provisions of the Dignity Act, effective July 1, 2012, remain in effect.

Acts of harassment and bullying include, but are not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion,

religious practice, disability, sexual orientation, gender, or sex. Chapter 102 of the Laws of 2012 **adds definitions of bullying or harassment through any form of electronic communication which:**

- Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being;
- Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety;
- Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; and
- Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

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Dignity Act Amendment Regulations Summary

- **Codes of Conduct - Commissioner's Regulations 100.2(l) and 119.6**

School districts/ Boards of Cooperative Educational Services (BOCES) are required to include the provisions in their Code of Conduct prohibiting harassment, bullying (including cyber-bullying) and discrimination against any student by employees or students, that creates a hostile environment by conduct or by threats, intimidation or abuse.

When an investigation reveals any verified harassment, bullying or discrimination, the school district is required to take prompt, age-appropriate actions reasonably calculated to:

- End the harassment, bullying or discrimination;
- Eliminate any hostile environment;
- Create a more positive school culture and climate to prevent recurrence of the behavior; and
- Ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed.

Charter schools are required to include in their disciplinary rules and procedures pursuant to Section 2851(2)(h) of Education Law or, if applicable, in their codes of conduct, similar provisions prohibiting harassment, bullying/cyber-bullying and discrimination.

- **Instruction in Civility, Citizenship and Character Education - Commissioner's Regulation 100.2(c)**

Instruction for all public schools is required to explicitly include bullying and cyber-bullying, with an emphasis on discouraging acts of harassment, bullying and discrimination and include instruction in the safe, responsible use of the internet and electronic communications.

- **Reporting Requirements under the Dignity Act - Commissioner's Regulations 100.2(kk)**

School districts and BOCES are required to report incidents of harassment, bullying/cyber-bullying and discrimination to the superintendent, principal, or their designee, including:

- Timelines for investigating and reporting including requiring school employees who witness harassment, bullying or discrimination or receive an oral or written report of harassment, bullying or discrimination, promptly orally notify the principal, superintendent or designee no later than one school day after the employee witnesses or receives a report and to file a written report not later than two school days after making an oral report.

- The Superintendent or designee must take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.
- The Superintendent or their designee must promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- Retaliation by any school employee or student is prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

- **School Employee Training – Commissioner’s Regulations 100.2(jj)**

School employee training required under section 100.2(jj) for the 2013-14 school year and thereafter has been expanded to:

- Address bullying and cyber-bullying, by conforming the definitions to those used in the code of conduct and reporting regulations.
- Identify the Dignity Act Coordinator (principal, superintendent or the principal or superintendent’s designee) as the school employee charged with receiving and investigating reports of harassment, bullying and discrimination.

Additional elements to the required training for the Dignity Act Coordinator include:

- Addressing the social patterns of harassment, bullying and discrimination including but not limited to those based on based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- Training in identification and mitigating of harassment, bullying and discrimination.
- Strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

Each school district, BOCES and charter school is required to establish policies, procedures and guidelines for school employee training programs that promote a positive school environment and sensitivity and awareness to potential acts of harassment, bullying and discrimination that occur on school property or off school property.

Dignity Act Amendment New Related Regulation

- **Coursework or Training in Harassment, Bullying and Discrimination Prevention and Intervention – Commissioner’s Regulation 80-1.13**

Individuals applying for a certificate or license on or after December 31, 2013 are required to complete at least six hours, of which at least three hours must be conducted through face-to-face instruction, of course work or training on the principles of the Dignity Act. This includes those applying for a certificate or license as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor and superintendent of schools.

Resources

- NYSUT Fact Sheet 12-06: The Dignity for All Students Act
<http://www.nysut.org/resources/all-listing/2012/june/fact-sheet-12-06--the-dignity-for-all-students-act>
- Resources for Implementation of the Dignity Act
<http://www.nysut.org/resources/all-listing/2013/march/resources-for-implementation-of-the-dignity-act>

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